

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

MOSDOS CHOFETZ CHAIM INC.,

Debtor.

Chapter 11 – Post Confirmation

Case No. 12-23616 (RDD)

CONGREGANTS OF MOSDOS CHOFETZ CHAIM
INC. A/K/A KIRYAS RADIN,

Plaintiffs,

- against -

Adv. Proc. No. 21-7023 (RDD)

MOSDOS CHOFETZ CHAIM INC., CHOFETZ
CHAIM INC., TBG RADIN LLC, SHEM OLAM,
LLC, CONGREGATION RADIN DEVELOPMENT
INC., ARYEH ZAKS, BEATRICE WALDMAN
ZAKS, MENDEL ZAKS, GITTEL ZAKS LAYOSH,
ELIYAHU LAYOSH, SAMUEL MARKOWITZ,
DEBORAH ZAKS HILLMAN, YOM T. HENIG,
STEVEN GREEN, DANIEL GREEN, ABRAHAM
ZAKS and STERLING NATIONAL BANK,

Defendants.

ORDER DENYING MOTION TO VACATE STAY PENDING APPEAL

Defendant Congregation Radin Development, Inc. (“CRDI”), having moved on June 23, 2022 for an order vacating this Court’s prior order, dated June 3, 2022, granting a conditional stay pending appeal (the “Stay”) to nonparty Mayer Zaks and certain other nonparties (the “Motion”) on the basis of the violation of the conditions to such stay; and the Court having considered the Motion [DE-251], the Declaration of Daniel S Alter, Esq. in opposition to the Motion and the exhibits annexed thereto [DE-256 and Exhs. A-H], and CRDI’s Reply in support of the Motion [DE-257]; and the Court having conducted a hearing on the Motion on June 28, 2022, and considered the arguments of counsel for the respective parties,

NOW, for the reasons stated by the Court on the record during the hearing, it is

ORDERED that the Motion is DENIED subject to compliance with the next decretal paragraph; and it is further

ORDERED that, by July 10, 2022, nonparty Mayer Zaks is directed to obtain and file with the Court written certification from the Great American Insurance Company that the original copies of the appeal bonds that it issued in favor of CRDI and the Clerk of this Court (Bond Nos. E706584 and E7066585, both dated June 10, 2022) are valid and enforceable.

Dated: White Plains, New York
June 30, 2022

/s/Robert D. Drain

Hon. Robert D. Drain
United States Bankruptcy Judge